

Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about November 21, 1922, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Killian's Kuality Sauer Kraut Contents 1 Lb. 13 Oz. * * * Packed By W. H. Killian Co. Baltimore, U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed with and substituted in whole or in part for sauerkraut, which the said article purported to be.

On February 9, 1923, William H. Trost, Lancaster, Pa., agent for the manufacturer, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11390. Adulteration and misbranding of acetanilid compound and headache powders. U. S. v. Moore & Co., Inc., a Corporation. Plea of nolo contendere. Fine, \$10. (F. & D. No. 11620. I. S. Nos. 12624-r, 12626-r.)

On March 11, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Moore & Co., Inc., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Massachusetts into the State of Vermont, on or about September 17, 1917, of a quantity of headache powders, and on or about September 17, 1918, of a quantity of acetanilid compound tablets, both of which were adulterated and misbranded. The articles were labeled in part: "Moore & Co. Worcester, Mass. Compressed Tablets Acetanilid Comp.;" "Moore & Co's. Headache Powders * * * Moore & Co., Inc. * * * Worcester, Mass."

Analysis of a sample of the headache powders by the Bureau of Chemistry of this department showed that it contained 2.37 grains of acetanilid per powder, or 101 grains per avoirdupois ounce. Analysis of a sample of the acetanilid compound tablets showed that it contained 2.89 grains of acetanilid per tablet and 0.34 grain of caffeine per tablet.

Adulteration of the headache powder was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was a product which contained approximately 2.37 grains of acetanilid in each powder and which contained approximately 101 grains of acetanilid per ounce and was sold as a product which contained $3\frac{1}{2}$ grains of acetanilid in each powder and 164 grains of acetanilid per ounce. Adulteration of the acetanilid compound was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that it contained approximately 2.89 grains of acetanilid per tablet and 0.34 grain of caffeine alk. per tablet and was sold as a product which contained $3\frac{1}{2}$ grains of acetanilid per tablet and $\frac{1}{2}$ of a grain of caffeine alk. per tablet.

Misbranding of the headache powders was alleged for the reason that the statements, to wit, "Powders Each Powder contains $3\frac{1}{2}$ Acetanilide, 164 grain Acetanilide per ounce," borne on the box containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that each of the said powders contained $3\frac{1}{2}$ grains of acetanilid and that each ounce of the article contained 164 grains of acetanilid, whereas, in truth and in fact, each of said powders contained less than $3\frac{1}{2}$ grains of acetanilid, to wit, approximately 2.37 grains of acetanilid, and each ounce of the article contained less than 164 grains of acetanilid, to wit, approximately 101 grains of acetanilid. Misbranding was alleged with respect to the acetanilid compound tablets for the reason that the statements, to wit, "Tablets Acetanilid Comp. * * * Acetanilid $3\frac{1}{2}$ gr. Caffeine Alk. $\frac{1}{2}$ gr.," borne on the label attached to the bottle containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that each of said tablets contained $3\frac{1}{2}$ grains of acetanilid and $\frac{1}{2}$ of a grain of

caffeine alk., whereas, in truth and in fact, each of said tablets did not contain $3\frac{1}{2}$ grains of acetanilid and did not contain $\frac{1}{2}$ of a grain of caffeine alk. but did contain a less amount, to wit, 2.89 grains of acetanilid and 0.34 grain of caffeine alk.

On March 2, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11391. Misbranding of Texas Wonder. U. S. v. 30 Bottles and 33 Bottles of Texas Wonder. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12242, 12850. I. S. Nos. 135-r, 282-r. S. Nos. E-2026, E-2334.)

On March 10 and June 7, 1920, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 66 bottles of Texas Wonder, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., in part on or about February 21, 1920, and in part on or about May 24, 1920, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "A Remedy For Kidney and Bladder Troubles Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children;" (circular headed "Read Carefully") "In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, guaiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the carton and in the circular were false and fraudulent since the said article contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed.

On March 6, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11392. Misbranding of candy. U. S. v. W. G. Baldwin & Co., a Corporation. Plea of nolo contendere. Fine, \$10. (F. & D. No. 15582. I. S. Nos. 9121-t, 9167-t, 9217-t.)

On January 26, 1922, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. G. Baldwin & Co., a corporation, trading at Roanoke, Va., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about October 2, 1920, and April 7, 1921, respectively, from the State of Virginia into the State of Georgia, of quantities of candy which was misbranded. The article was labeled in part: "Old Time — Home Made * * * Martha Washington Candies Hard Centers" (or "Vanilla Jets" or "Chocolate Centers") "Headquarters: 505 12th St., N. W. Washington, D. C.;" (stamped indistinctly on bottom of package with rubber stamp) "Guaranteed Net Weight 7 Ozs. or more" or "Guaranteed Net Weight $14\frac{1}{2}$ Ozs. or more."

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 14, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11393. Misbranding of Sangvin. U. S. v. 33 Bottles and 18 Bottles of Sangvin. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16883, 16897. I. S. No. 1014-v. S. Nos. E-4199, E-4205.)

On October 25 and 31, 1922, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the